



Florida Department of Environmental Protection

Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL

7006 0100 0002 9126 1526

St. Johns River Water Management District
C/o Lance D. Hart
Technical Program Manager
4049 Reid Street
Palatka, FL 32177

RECEIVED IN PALATKA
SEP 21 2007
SJRWMD - PDS

RE:File No. 64-171851-007

Applicant: St. John's Water Management District

Dear Mr. Hart:

Your request to modify this permit has been received and reviewed by Department staff. The modification is to change the spoil disposal area. The spoil disposal area is located east of Rose Bay on an upland disposal area adjacent to the Intracoastal Waterway (ICW), and south of the confluence of Rose Bay with the ICW. The disposal area was constructed by the Florida Inland Navigational District (FIND). Material dredged from Rose Bay will be transported by pipe to the upland disposal area. Containment berms will be constructed on the upland disposal area to contain the dredged material.

Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the original expiration date July 2, 2012, Specific or General Conditions, of the permit. This letter and accompanying drawings must be attached to the original permit.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 14 days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

June 25, 2007

Overnight Mail

Mr. David Herbster
Florida Department of Environmental Protection
Division of Environmental Resource Permitting
3319 Maguire Blvd., Suite 232
Orlando, FL 32803-3767

Re: Rose Bay Restoration Project; Volusia County

Dear Mr. Herbster:

Enclosed is the District's Applications for reauthorization of a Department of Environmental Protection Notice General permit. This project is an environmental enhancement and restoration project, which was approved by the St. Johns River Water Management District's Governing Board during its September 26, 2001 meeting to approve the October 2001 to September 2002 operating budget. As such, we are requesting authorization to proceed pursuant to subsection 62-341.485, Florida Administrative Code. The restoration of Rose Bay is a cooperative effort involving the District, the U.S. Army Corps of Engineers, the Florida Department of Transportation, Volusia County and the Rose Bay Task Force.

The Rose Bay Restoration Project entails five general tasks in order to accomplish restoration of this tidal estuary. The water quality and benthic environment of Rose Bay has been degraded by decades of urban runoff from dense development within the Bay's watershed; by restrictions in the natural tidal flushing of the Bay caused by the construction of the current U.S. Highway 1 causeway as well as the Highway's previous causeway east of current location.

The five general tasks to restore Rose Bay are: 1) assistance from the District to Volusia County and the City of Port Orange with the Bay's watershed to implement storm water retrofits and storm water management strategies to address storm water discharge concerns; 2) the elimination of septic tanks discharges into Rose Bay from existing communities through funding efforts to assist the City of Port Orange in expanding its city-supplied sewer service; 3) the modification of the U.S. Highway 1 crossing of Rose Bay by FDOT through replacing fill the causeway with bridged sections to increase hydrologic flows in the Bay that had been restricted previously to a 170-foot length and increasing it to 750 feet in length; 4) the removal of accumulated sediment in Rose Bay to restore the benthic habitat in the estuary; and, 5) remove the old abandoned U.S. Highway 1 causeway.

GOVERNING BOARD

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|---|--|------------------------------------|---|
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Mr. David Herbster

June 25, 2007

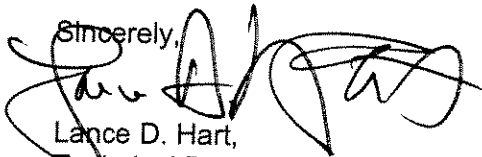
Re: Rose Bay Restoration Project, Volusia County

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Of the five tasks, all but items 4 and 5 have been accomplished. The District seeks authorization to implement these last two tasks as previously authorized by the Department (copy of permit enclosed). The U.S. Army Corps of Engineers has conducted the investigation of the current conditions of Rose Bay and has designed and will implement, once the funds are available, task 4. Please note that the previously approved temporary spoil containment area will not be constructed. Spoil will now be transported to an existing Florida Inland Navigation District (FIND) disposal site along the Intracoastal Waterway. Additionally, please note that the District is partnering with Volusia County for the removal of the "Old Causeway," whereas under the previous permit, the U.S. Army Corps of Engineers was to remove the causeway by dredge while dredging the bay. To accomplish the task of removal of the "Old Causeway," the project will now entail a temporary fill across a breach in the old roadway to access the "Old Causeway." As the "Old Causeway" is taken down, equipment will work its way back off the causeway and the temporary breach fill will be removed and the bottom restored.

The attached drawings, location map and aerial photography illustrate the work that is proposed and project location. Please contact me at (386) 329-4219 or lhart@sinwmd.com if you have any questions or comments. We appreciate your continued assistance in this matter.

Sincerely,



Lance D. Hart,
Technical Program Manager
Department of Water Resources

Attachment: 1) ERP application (5 copies) and attachments (5 copies)
2) Drawings, figures and attachments; and
3) Application fee.

C: Paul Haydt (w/ attachments), Glenn Lowe

Peter Milam
Department of Army
Corps of Engineers, Jacksonville District
Project Management
PO Box 4970
Jacksonville, FL 32232